

Harrison County Adult Detention Center

Inmate Grievance Form

(IGF-2)

First Step Response Form

Grievance Number 04 - 004 - 07

Type or use ball-point pen. You must return your response to the Grievance Officer within 10 days of the date the request was initiated.

To: Joann O'Bryant 28976
Inmate Name and Docket Number

B/B

Housing Unit

From: _____
Person to whom 1st Step is Directed

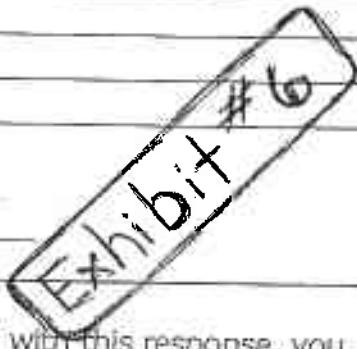
Title/Location

I have checked everything you
have sent, I truly do not have
any idea what else you have
requested.

The law library, is a secure area
to a computer! If you need
help state what case laws you
want, but they need to pick it
to you charges until you get
back into Court for a trial day

4-13-07

Date



Plagges
Signature

If you are not satisfied with this response, you may go to Step 2 by filling out the second step section of Form IGF-1 and sending copies of Step 1 and Step 2 to the Warden. It must be received in the Warden's office within 5 days of the date of this response.

Instructions to respondent: Send original IGF-1 with IGF-2 to the Grievance Officer. **Note:** A copy of all documents referenced in the response must be attached and returned to the Grievance Officer.

Instruction to Inmate: This original is for you to keep.

Inmate's Original



Harrison County Adult Detention Center

APPROVED APR 26 2007 Inmate Relief Request Form

Grievance Number 04 004 07

Type or use ball-point pen

To: DAPT. McGOWAN / Mrs. Rogers
First Step RespondentHCADC / HCWC

Location - Circle One

From: JOHNNY O'BRYANT 2897446
Inmate's Name and Docket NumberB/B

Housing Unit

3/07

Date of Incident

Accepted This request comes to you from the Grievance Officer. See the attached request from the inmate. Please return your response to this office within 10 days of this date.

Rejected Your request has been rejected for the following reason(s):

See Mrs. Rogers comments. Request the
case laws you need on an "Inmate
Request Form".

RECEIVED

APR 04 2007

4/26/07

Date

Deborah Whittle

Grievance Officer

Second Step

On _____ (date), I received a written response to my First Step request. I am not satisfied with this response because:



Therefore, I am commenting the Second Step by sending this form and the First Step response (IGF-2), to the Warden. This request must reach the Warden's office within 5 days of my receiving the First Step response.

Date

Signature

Exhibit #8

Inmate sues jailer, warden, sheriff

By ROBIN FITZGERALD
rfitzgerald@sunherald.com

GULFPORT — A lawsuit filed in federal court accuses a former Harrison County jailer of assaulting an inmate who was placed on suicide watch.

The lawsuit on behalf of Johnny O'Bryant accuses Karl W. Stolze of choking him after O'Bryant complained that he had lost some personal property. Sheriff George H. Payne Jr. and Warden Don Cabana are named as co-defendants.

O'Bryant is seeking \$200,000 in punitive and compensatory damages.

O'Bryant filed the lawsuit on March 19, five days before Stolze was ordered to appear in court on criminal charges

related to a federal probe of alleged inmate abuse at the Harrison County jail. O'Bryant filed the suit himself under a pauper status, meaning the filing fee was waived.

A lawsuit represents one side of a complaint.

O'Bryant claims he was assaulted by Stolze on Sept. 25, 2006. The charges against O'Bryant were not immediately available.

According to the lawsuit, O'Bryant knocked on a window to get Stolze's attention, and Stolze threatened to beat him. O'Bryant claims he told Stolze "he was not going to do anything to me" and his response "infuriated" Stolze.

A pair of eyeglasses is part of the property O'Bryant claimed

was missing.

Court records show that he filed a grievance and Cabana responded to his complaints in a memo dated Feb. 6. A copy obtained by the Sun Herald shows that Cabana advised him of how to press charges against Stolze. Cabana also offered to refer him to the inmate medical clinic for an eye examination, the memo shows.

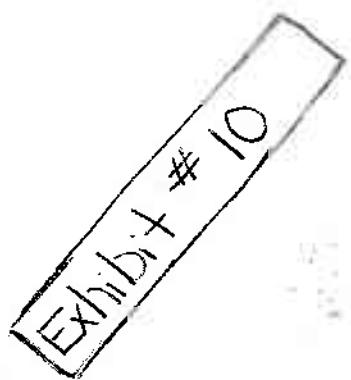
O'Bryant also alleges he was been denied his religious freedom because he was not allowed to wear a kufi, a type of robe, as a sign of his Muslim faith.

According to Cabana's memo, O'Bryant was advised of the steps to follow to request permission for a religious robe.

March 27th, 2007 Newspaper article indicating criminal charges against Karl Stolze, and,article above this one indicated charges against Rick Gaston. Both parties are defendants in the action I filed, were already under federal investigation.

Cover Sheet

Requesting An
Immediate
Reshuffling Order
Original



Johnny O'Bryant
Vs.
Harrison County
and
Harrison County Adult Detention Center

1. Inadequate Housing
2. Cruel and Unusual Punishment
3. Overcrowdiness
4. Deliberate Indifference
5. Unsafe Manual locks on Cell & Exit Doors

May 10, 2007

County Officials

1. Harrison County Board Of Supervisors
2. George H. Payne, Jr., Sheriff
- 3 Donald A. Cabana, Ph.D., Warden
4. Harrison County Adult Detention Center

Quote

God do not change the condition
of a people until they change what is
in there heart. — Holy Qu'ran

Johnny O'Bryant
c/o HCADC, B-B
10451 Larkin Smith Dr.
Gulfport, MS. 39503

Notice

Harrison County Adult Detention Center
Grievance Procedure Program

Please take notice that pursuant to your policy of the (1st Step) response of (10) days and the (2nd Step) response of (10) days in accordance to your timeline on limitation of (20) days, concluding by May 31, 2007.

I, Johnny O'Bryant, an inmate here at (HCADC) did turn over to the Grievance Officer, Deborah Whittle, a true and correct copy of the foregoing Grievance, on the 10th day of May, 2007., for commencement

So Certified this the 10th day of May, 2007.

Johnny O'Bryant
The Aggrieved

Harrison County Adult Detention Center**Inmate Grievance Form**

To: Grievance Officer

From: Johnny O'Bryant 289746 B-B.
Inmate Name Docket # UnitDate: 5-9-07

This is a grievance concerning:

1. Inadequate Housing
2. Cruel and Unusual Punishment
3. Over crowding
4. Deliberate Indifference
5. Unsafe Manual locks on Doors

1. Harrison County has a section of their facility, Block B Section B, that leaks water everytime the weather causes it to rain.

2. There is a consistent stream of water that leaks in a certain location and this leak creates an excessive large puddle on top of a table and the floor.

3. The activity of the inmates within the section causes puddles to be tracked everywhere and some inmates even sleep in close proximity within a few feet of the water puddles.

Johnny O'Bryant
Inmate Signature

Inadequate Housing

4. The water leaking through the roof has been occurring for several years and Harrison County refuses to fix the damage roof and force inmates to live in conditions that are cruel and unusual in violation of the Eighth Amendment, for those inmates who are convicted and the due process clause of the Fifth and Fourteenth Amendment for pre-trial detainees, of unsanitary conditions.

See Also : Bell v. Wolfish, 441 U.S. 520, 545, 99 S.Ct. 1861, 1877, 60 L.Ed. 2d 447, 472 (1979)

Overcrowdiness

5. Inmates who are pre-trial detainees are forced to live in inadequate conditions such as :

- (a) sleeping on wet floor
- (b) living in damp conditions
- (c) double bunked cells
- (d) overcrowded dayrooms
- (e) strained facility services

6. The only conceivable purpose overcrowding

serves is to further the state's interest in housing more prisoners without creating more prison space. This basically economic motive can not lawfully excuse the imposition on the presumptively innocent of genuine privations and hardship over any substantial period of time.

See Also : Loreau v. Manson, 651 F.2d 96, 105 (2d Cir. 1981)

Cruel and Usual Punishment

7. Harrison County is in violations of the inmates Fifth, Eighth and Fourteenth Amendments by subjecting an entire section of inmates to live in conditions that is below Court standards.
8. (Section 1983) that the prison, in depriving them of such needs, violates their constitutional right to be free from "cruel and unusual punishment" under the Eighth Amendment, when conditions are particularly poor, courts have been willing to find that they constitute cruel and unusual punishment in violations of the Eight, Fifth and Fourteenth Amendments.

See Also : Wilson v. Williams, 83 F.3d 870, 875 (1996)

The Deliberate Indifference Standard

9. Harrison County and the Board of Supervisors and the Sheriff Department employing supervisory officials, namely Warden Donald A. Cabana of the Harrison County Adult Detention Center has acted with intentional deliberate indifference to violate the fundamental constitutional rights of inmates that's injurious over a several year period and such injury is systemic because it is their policy and custom to force inmates to live in these condition and it's a system wide problem, exercising deliberate indifference.

Unsafe Manual Locks On Cell And Exit Doors

10. Harrison County has implement a new policy and custom of welding metal slip slide type locking devices on cells doors and exit doors. This locking mechanism is very unsafe because there is only (2) official that works a Block consisting of (6) sections. These locks are no more than death traps and a cheap way of not fixing existing locks. All inmates lives is in jeopardy on a daily basic.

Conclusion

11. Harrison County, has policy and customs listed in this grievance that has and is violating my Fifth and Fourteenth Amendment by causing me to live in such conditions that's unconstitutional in which is depriving me of my rights, privileges and immunities secured by the Constitution and laws of the United States.
12. Harrison County, is acting under color of office and color of state exercising deliberate indifference to treat me cruel and unusual by doing the acts and things mentioned herein.
13. Harrison County, has supervisory officials employed to carried out these unconstitutional policy and customs in their individual and official capacities are actors of state law wearing a badge of authority for Harrison County is further in violations under color of office.

Johnny O'Bryant
Johnny O'Bryant

Block B Section B

HCADC

MS.

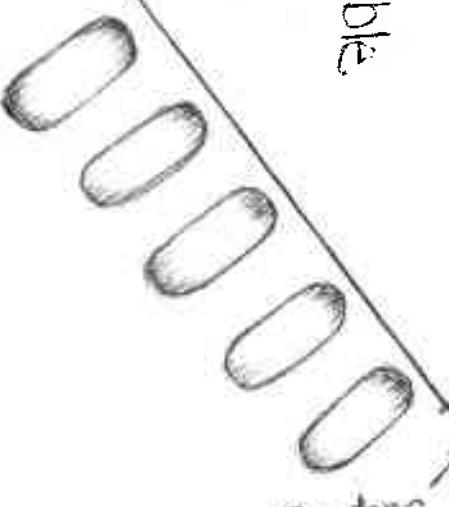
8 ft of



Plastic Boots that
inmates sleep on the
floor inside of.



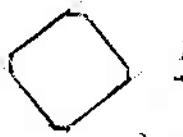
Count 46 inmates



Fire door

Microwave

Downstairs



table

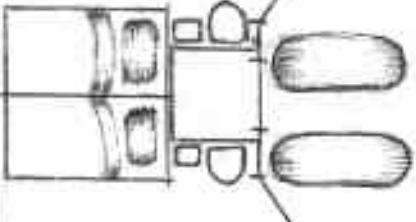
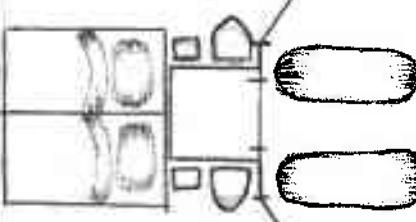
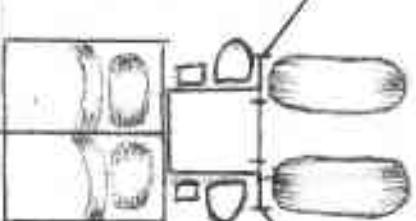


Water
Puddle
From Rain

jellybean

price

Public
Restroom



Shower